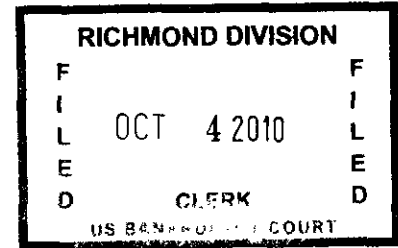


IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



CIRCUIT CITY STORES, INC.,  
Debtor(s),

vs.

Case No. 08-35653-KRH  
Chapter 11

GREGORY LEE MCCALL,  
Secured Party/Claimant.

SECURED PARTY OBJECTION TO SETTLEMENT  
AGREEMENT BETWEEN DEBTORS AND CARDINAL  
COURT LLC.

COMES NOW, Gregory Lee McCall (Hereinafter McCall) Secured Party/Creditor,  
by special visitation, pro se, and hereby objects to the settlement agreement of  
Circuit City Stores, Inc. (Debtors) and Cardinal Court LLC.

In Support of his objection, McCall states the following:

PROCEDURAL HISTORY.

This action arose against the Debtors et al from McCall after having a pre-petition claim filed in the Johnson County Kansas District Court under case no. 04-CV-2240. McCall filed his claim against Circuit City Stores, Inc., Phillip J. Schoonover acting C.E.O., Chad holden retail store manager, and others after they committed the criminal act of trespass and conversion. The debtors committed these acts under the mistaken impression that a state of Kansas police detective could grant the debtors authorization to travel from the state of Kansas to the state of Missouri, enter McCall home and take property belonging to him without a court order and without establishing a right to do so.

McCall filed a civil action against the debtors and others pro se, and proceeded to prosecute the action diligently. The debtors retained the Law Firm of Baty, Holm & Numrich of Kansas City, Missouri to defend against the claims made by McCall and after having been denied summary judgment by the district court, the parties entered into settlement negotiations. (See Attached Correspondance of Debtor's Counsel).

Before the parties could come to a mutual agreement about the actual and punitive damages demanded by McCall in order to resolve the matter, the debtors filed for Chapter 11 reorganization bankruptcy protection in this Court. McCall filed pre-petition U.C.C. 1 Financing Statements against the assets of the debtors in both the states of Kansas and Virginia. McCall also attached an interest claim with the debtors insurance carrier Travelers. (See Attached Response Hereto).

On November 8, 2008, 4 years into McCall's suit, the debtors filed for protection under Chapter 11. McCall gave the court clerk notice as a party in interest and having no legal representation or being provided forms from the clerk in which to file his proof of claim, McCall has received over 10 copier paper boxes of filing from the debtors' attorneys and others. Recently McCall learned that his civil action is under continuous stay and that his claim has not been recognized by the debtors' attorneys. (See correspondence dated January 6, 2010 of Sarah K. Baker of Skadden Arps, Slate, Meagher & Flom).

McCall's civil claim involves over \$40,000.00 in personal property taken by the debtors and well as his legal fees and hours invested in prosecuting this action. The Debtors have entered into numerous settlement negotiation with various claimants after having Court approval pursuant to 11 U.S.C. §§ 105 and 363, and Fed.R.Bankr.P. 2002, 9006, and 9019 authorizing the establishment of procedures to settle certain pre-petition and post-petition claims and causes of action without further Court approval. Accordingly, the debtors have entered into a settlement agreement and stipulation wiht Cardinal Court LLC which McCall objects to in its entirety. McCall states that the action of Cardinal Court LLC did not arise until after the debtors filed for Chapter 11 protection and McCall's claims arose pre-petition which should have precedent over any post petition claims. The debtors have made no further attempts to resolve the matter between itself and McCall and while the stay is pending, McCall cannot move forward in his prosecution of his civil claims against the debtors and

those others named as defendants in his civil action in the Kansas District Court under case no. 04-CV-2240.

WHEREFORE, McCall prays his request for objection is granted.

Respectfully submitted,

By: Gregory Lee McCall  
Gregory Lee McCall

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was placed in the internal mail system of the Forrest City-Low facility on or about the 27th day of September, 2010, postage prepaid first class mail addressed to:

Skadden,Arps, Slate, Meagher & Flom  
One Rodney Square  
P.O. Box 636  
Wilmington, DE 19899

McGuireWoods, LLP  
One James Center  
901 East Cary St.  
Richmond, Virginia 23219

Clerk of Court  
U.S. Bankruptcy Court  
701 East Broad St., Suite 4000  
Richmond, Virginia 23219

Pachulski, Stang, Ziehl & Jones  
10100 Santa Monica Blvd  
11th Floor  
Los Angeles, CA 90067-4100

&

780 Third Avenue, 36th Floor  
New York, N.Y. 10017-2024

Respectfully,

By: Gregory Lee McCall  
Gregory Lee McCall

✓  
LEE M. BATY  
KENNETH E. HOLM\*  
ROBERT P. NUMRICH\*  
THERESA A. OTTO\*  
MARY D. THOMPSON\*  
RANDALL W. SCHRDER\*  
STEPHEN P. DOHERTY\*  
TODD M. JOHNSON\*  
JOHN J. GATES\*  
JAUDON R. GODSEY\*\*  
JULIE M. NUMRICH\*  
MOLLY B. WESTERING\*  
CLAYTON T. FIELDER\*  
NICHOLAS J. PORTO\*  
BRANDON L. CORL\*  
MATTHEW J. WESTERING  
KAREN L. MCCOY  
HEATHER A. HOWARD\*

LAW OFFICES OF  
**BATY, HOLM & NUMRICH, P.C.**  
210 PLAZA WEST BUILDING  
4600 MADISON AVENUE  
KANSAS CITY, MISSOURI 64112-3012  
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TELECOPY (816) 531-7201

FIRM WEBSITE: WWW.BATYHOLM.COM

October 29, 2008

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\*ADMITTED IN MISSOURI AND KANSAS  
\*\*ADMITTED IN MISSOURI AND ILLINOIS

OF COUNSEL  
GREGORY M. KRATOFIL, SR.  
H. DAVID BARR

Gregory Lee McCall  
U.S.M. # 15064-045  
F.C.C. Forrest City  
P.O. Box 9000  
Forrest City, AR 72336

Re: *Gregory Lee McCall -v- Circuit City Stores, Inc., et al.*  
Case No.: 04-CV-02240

Dear Mr. McCall:

My client has authorized me to offer you \$750.00 in exchange for your dismissal of the  
aforementioned case. Please advise if this is acceptable.

Yours very truly,

**BATY, HOLM & NUMRICH, P.C.**

  
Nicholas J. Porto

NJP/jhv



P.O. Box 10893  
Chantilly, VA 20153-9835

**Virginia Money**  
*Claim Representative*  
Commercial Lines, Washington, DC  
571-287-6095  
877-389-4685(fax)

November 20, 2008  
Gregory Lee McCall  
U.S.M. #15064-045  
F.C.I. Forrest City-Low  
P.O. Box 9000  
Forrest City, Arkansas 72336

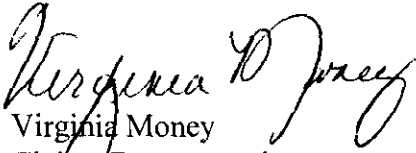
Our Insured	Circuit City Stores, Inc., et al
Our file #	AJC3434
Date of loss	2/15/05
Claimant	Gregory Lee McCall

Dear Mr. McCall:

Please be advised on November 8, 2008 Circuit City Stores, Inc. filed for protection under Chapter 11 of the Bankruptcy Court, Eastern District of Virginia, under docket number 08-35653. The filing of this petition operates as an injunction against the commencement or continuation of any action or claim against Circuit City Stores, Inc. with a date of loss on or before November 8, 2008. Until the stay is lifted by order of the Bankruptcy Court we are unable to authorize or make any payments or settlements.

Should you have any questions regarding this please contact the U.S. Bankruptcy Court, Eastern District of Virginia.

Sincerely,

  
Virginia Money  
Claims Representative  
Commercial Claims

**SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP**

155 NORTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606-1720

TEL: (312) 407-0700  
FAX: (312) 407-0411  
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[SARAH.BAKER@SKADDEN.COM](mailto:SARAH.BAKER@SKADDEN.COM)

January 6, 2010

***Via Overnight Mail***

Gregory Lee McCall  
FCI Forrest City-Low  
P.O. Box 9000  
Forrest City, AR 72336

RE: In re Circuit City Stores, Inc., et al., Ch. 11 Case No.  
08-35653 (KRH) (Bankr. E.D. Va. 2008)

Dear Mr. McCall:

This firm serves as general bankruptcy counsel to Circuit City Stores, Inc. ("Circuit City") and certain of its subsidiaries, debtors and debtors in possession (collectively, the "Debtors") in the above-referenced chapter 11 bankruptcy cases pending before the United States Bankruptcy Court for the Eastern District of Virginia.

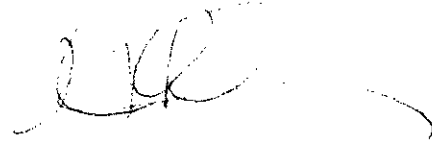
The Debtors are in receipt of your letter dated December 28, 2009, as well as the proposed settlement agreement and stipulation enclosed therewith. Please be advised that the Debtors are unaware of any settlement negotiations subsisting between yourself and Circuit City at this time.

Please be further advised that nothing herein shall be deemed an acceptance nor rejection of your proposed settlement offer. The Debtors are in the process of reviewing your settlement offer, as well as the substantive allegations set forth therein. To help facilitate this process, please provide the undersigned with the contact information for any and all representatives of the Debtors with whom you may have discussed settlement in the past as set forth on page two of your letter.

Gregory McCall  
January 6, 2010  
Page 2

I am available to discuss these matters further at your convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'SKB', with a long horizontal flourish extending to the right.

Sarah K. Baker

cc: Ian S. Fredericks, Esq.